

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: ARRIN BARBER : **CIVIL ACTION**
: **NO. 07-2331**

ORDER

AND NOW, this 13th day of August, 2008, upon careful and independent consideration of the pleadings and the record herein, and after review of the Report and Recommendation of United States Magistrate Judge Timothy R. Rice (docket no. 14), and having received no objections thereto, it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. This matter is transferred to the United States District Court for the Southern District of New York;
3. There is no probable cause to issue a certificate of appealability; and
4. The Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

S/ BRUCE W. KAUFFMAN
BRUCE W. KAUFFMAN, J.